

**PLANNING BOARD  
TOWN OF MARILLA**

Date: February 17, 2005

Present:	Debbie Zimmerman, Chairman Rich Janiga Judy Gillman Paul Domanowski Tom Wantuck	John Fronczek, CEO Warren Handley, Town Board Barbara Spanitz, Town Board Robert Miller, Consult
----------	---	---

Absent: Nathan Barnard, Dan Handy

Guests: Clarence Gerhardt, Evan Gerhardt, Paula Murray, and Joe Serba.

- I. Debbie Zimmerman, Chairman, opened the Planning Board meeting at 7:00p.m.
- II. Motion to accept December minutes by Richard Janiga, seconded by Paul Domanowski. Motion to accept January minutes, with two corrections, by Tom Wantuck, seconded by Judy Gillman.
- III. New Business
  - a. Clarence and Evan Gerhardt submitted a Special Use Permit requesting a horse facility at 1825 Four Rod Road which would board approximately 40 horses. It would have an indoor and outdoor riding arena. Mr. Gerhardt also plans to build his home on the land selling the existing farmhouse to his sister. He is also planning a parking lot for twelve vehicles along with outdoor lighting. The PB stated a principal dwelling must first be on the building site along with making sure he owns the land. The Board would like a more detailed site plan submitted to John Fronczek and then brought back to the March 17 meeting.
  - b. Paula Murray submitted a Special Use Permit for a non-conforming lot located on Williston Road. Ms. Murray would like to build a house. The CAB approved this and **MOTION** to approve by Rich Janiga, seconded by Judy Gillman. All in favor, roll call vote – 5 yes. It now goes to the Town Board on March 10, 2005 at 7:30 p.m. for final approval.
  - c. The Local Law was discussed regarding non-conforming lots. Mr. Sorgi and Mr. Schlossin appeared before the Town Board regarding property next to the town park inquiring as to what they can do with that property. He cannot put flag lots on this property due to subdivision regulations. He

can put a horse barn or one house. The Town Board told him he cannot put flag lots on until approved by the CAB and PB.

The Town Board would like the CAB and PB to decide what to do with non-conforming lots by either strengthening the definition we have or not allowing the lots at all. Town Attorney Nathan Neill drew up a resolution which the Town Board will hold a public hearing on March 10, 2005. Bob Miller handed out definitions of flag lots from other towns. Dan Handy noted to add to #10 "build only on original tax parcel." Rich Janiga stated we need more time to complete this. Judy Gillman feels improper use of flag lots are a concern and could damage the town eventually. Warren suggested a possible work session with the CAB. On Bullis and Three Rod Roads, a driveway has been put in through wetland areas, without permission from the Town Board. This may also have subdivision issues. Debbie Zimmerman stated Walter Schmidt will come to the March 17 meeting to discuss this issue.

Debbie Zimmerman stated that the main topic at next months meeting will be the flag lots. The Town Board created the definition of flag lots so people could feel they can do what they want with their land. We need to enforce the rules we have created. Do we need to control people putting driveways in. We may need more detailed information coming out of John Fronczek's office along with giving individuals a site plan review.

Debbie Zimmerman noted she cannot attend March 10, 2005, Town Board meeting and asked if someone would attend.

IV. Old Business

Bob Miller handed out some pond definitions. Also in regard to zoning codes, Mr. Miller had an example from the Town of Ellicottville where they list each district describing all the land uses allowed.

V. CEO Report: None.

VI. Town Board Report: None.

VII. **MOTION** to adjourn at 9:08 p.m. Rich moved, seconded by Paul, and all in favor 5/0.

Respectfully submitted,

Laura Nuttle, Clerk